

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING

KEITH REED, LISA DOLENCE,
ELIZABETH SCHENKEL, EMILY
WINES, MARK GARAN and AUGUST
ULLUM, individually and on behalf of
others similarly situated,

Plaintiffs,

vs. Case No. 5:19-CV-00263-JPB

ALECTO HEALTHCARE SERVICES, LLC,
and ALECTO HEALTHCARE SERVICES
WHEELING, LLC, d/b/a OHIO VALLEY
MEDICAL GROUP and d/b/a OVMC PHYSICIANS,

Defendants.

DEPOSITION OF DANIEL DUNMYER
BY VIDEO CONFERENCE

The deposition of Daniel Dunmyer was
taken on June 8, 2022, at 1:00 p.m.,
at 5010 Dempsey Drive, Cross Lanes,
West Virginia.

ELITE COURT REPORTING, LLC
5010 Dempsey Drive
Cross Lanes, West Virginia 25313
(304) 415-1122

Martha Fourney, CSR

1 DANIEL DUNMYER,
2 called as a witness, first being duly
3 sworn by the Court Reporter/Notary Public,
4 testified as follows, to wit:

5 EXAMINATION

6 BY MR. POMPONIO:

7 Q. Good afternoon. This is -- I'm Bren
8 Pomponio. I represent the plaintiffs in this
9 case. Thank you for being here.

10 Could you state and spell your name for
11 the record?

12 A. Yes. It's Daniel Charles Dunmyer;
13 D-A-N-I-E-L, C-H-A-R-L-E-S, D-U-N-M-Y-E-R.

14 Q. Have you ever been deposed before?

15 A. Yes, I have.

16 Q. About how many times?

17 A. Between five and ten.

18 Q. And so I take it you're somewhat
19 familiar with this process, correct?

20 A. Somewhat familiar, yes.

21 Q. Okay. Well, if you need a break for
22 anything at any time -- we're scheduled to only
23 go two hours, so we're obviously not going to
24 be here all afternoon. But if you need a break

1 than me. They know who's involved, but I can't
2 recall.

3 Q. And let me just say, I don't expect you
4 to have any knowledge aside from your own
5 recollection. So that's fine -- whether you
6 recall it or not, that's perfectly acceptable
7 to me for sure.

8 All right. Do you know whose job it
9 was to ensure that the closure of OVMC complied
10 with the WARN Act?

11 A. It was discussed by us all. One would
12 argue it was my responsibility to make sure of
13 that. But we had legal representation and HR
14 folks involved in that; you know, attorneys and
15 whatnot. So I suspect in a court of law, it's
16 mine. But I think I listened to our legal
17 opinion.

18 Q. Did you have any -- in this time
19 period, 2019, did you have any familiarity with
20 the WARN Act requirements aside from -- don't
21 tell me things that your lawyer told you. I
22 was wondering --

23 A. No. Actually, I've never -- I've known
24 of the WARN Act -- to be honest, I was never

1 sure if it was the Warn, W-A-R-N, or Warren
2 Act. I never had to use it. Never been
3 involved in it. Didn't really read up on it.
4 Because, like I said, I was listening to legal
5 opinions or direction. So I still couldn't
6 tell you all the interworkings of the WARN Act.

7 MR. POMPONIO: Martha, you can take
8 this screen share down whenever you want.

9 Q. All right. Were you aware that a
10 letter was sent to the employees of OVMC on
11 August 8th providing them some ostensibly or
12 allegedly notice that the hospital was going to
13 be closed?

14 A. I'm sure I did. In fact, I know I was.
15 I can't recall the date or what was in it.
16 But, yes.

17 Q. And do you know who prepared that
18 letter?

19 A. It probably came under my signature.
20 Again, I'm assuming. But it was prepared most
21 likely by some of the legal team of our
22 company.

23 Q. Okay. Do you know how it was mailed
24 out to employees, who handled -- physically

1 mailing those letters?

2 A. Yeah. I believe my office probably
3 handled that. I don't think we mailed them
4 from California. I think we mailed them from
5 OVMC.

6 Q. Okay. And do you know if it was
7 Mr. Bradshaw who prepared the letter?

8 A. Well, I know I keep guessing. I
9 shouldn't guess. I don't know.

10 MR. GARRISON: Yeah. I'm going to
11 caution the witness to not guess. But go
12 ahead and answer if you recall.

13 A. I do not recall.

14 Q. But do you recall approximately how
15 many letters were sent out?

16 A. I don't recall. But again, to all the
17 employees of both hospitals, whatever that
18 number was.

19 Q. About how many employees if you recall
20 were terminated as a result of the closure of
21 the hospital? That being OVMC employees.

22 A. Well, I heard Mike's voice -- I don't
23 know. It was more than 100. I don't want to
24 guess. But it was -- I don't recall the